

**REMARKS**

Claims 1, 2, 4, 7, 9, 11, 14, 22 and 30 have been amended. Claim 23 has been cancelled without prejudice or disclaimer. Claims 1-4, 7-11, 14, 15, 17, 22 and 30 are pending and under consideration. Claims 1, 8, 22 and 30 are the independent claims. No new matter is presented in this Amendment.

Entry of the foregoing amendments is proper under 37 C.F.R. §1.116(b) because the amendments simply respond to the issues raised in the final rejection, no new issues are raised, no further search is required, and the foregoing amendments are believed to remove the basis of the outstanding rejections and to place all claims in condition for allowance. The foregoing amendments, or explanations, could not have been made earlier because these issues had not previously been raised.

**CLAIM OBJECTIONS:**

Claim 30 stands object due to a minor informality.

Applicants note that claim 30 has been amended as noted by the Examiner. Accordingly, Applicants respectfully request that the objection to claim 30 be withdrawn.

**REJECTIONS UNDER 35 U.S.C. §102:**

Claims 1, 2, 22, and 30 are rejected under 35 U.S.C. §102(b) as being anticipated by Kuroda et al. (U.S. Patent No. 6,028,834).

Applicants respectfully traverse this rejection for at least the following reason.

Regarding the rejection of independent claim 1, it is noted that claim 1 recites an optical information storage medium, comprising: a user data area for recording user data; and a lead-in area, comprising: a reproduction-only area; and a recordable area to store updated disk state data when a recording of predetermined data is completed, wherein the updated disk state data includes at least one of an address of a predetermined area of an optimum power control (OPC) area, and an address of a predetermined area of a drive data area.

The Office Action states that Kuroda discloses an area other than the user data area and in particular relies on the management areas (MAs) for such teachings. The Office Action further states that the MA comprises a reproduction-only area and a recordable area wherein

disk state data is recorded.

Applicants respectfully assert that Kuroda does not teach or suggest such novel feature and traverse such assertion for at least the following reasons.

Kuroda discloses in FIGS. 1a and 7, an optical disc including a power calibration area PCA, a lead-in area LI and a lead-out area LO. Kuroda further discloses that the lead-in area LI and lead-out area LO are provided before an information recording area DATA of a first recording area, which is referred to as a chapter, and after an information recording area of a last chapter where the last recording data for the disc are stored, respectively (column 3, lines 20-31). Kuroda also discloses that each chapter is provided with a management information area (MA) in front of the area DATA for recording a management information, and a partition data area (PA) at the rear of the area DATA for indicating the last recording position (column 3, lines 32-35). Finally, Kuroda discloses that management information such as the directory of the data and the address of the corresponding partition area, that is the partition area PA of the Chapter 1, is recorded in the management area MA of the Chapter 1.

In other words, Kuroda discloses an optical disc, including a PCA, a lead-in area, a user data area and a lead-out area, wherein the user data area is divided into chapters, each chapter including a management area (MA) and a partition area (PA), and recording data in the MA.

Therefore, although Kuroda discloses an area (management area) in which data is recorded, the MA is part of the user data area and not an area other than the user data area, as recited in independent claim 1.

Furthermore, Kuroda does not teach or suggest that the MA comprises a reproduction-only area and a recordable area. Kuroda simply discloses recording data into the MA (column 5, lines 3-9).

Applicants also assert that Kuroda fails to teach or suggest that the disk state data includes at least one of an address of a predetermined area of an optimum power control (OPC) area and an address of a predetermined area of a drive data area.

Finally, Applicants respectfully assert that Kuroda fails to teach or suggest that the updated disk states data is recorded in a recordable area of the lead-in area. As noted above, Kuroda, at most, recites recording data in the MA.

Accordingly, Applicants respectfully assert that Kuroda fails to teach or suggest, at least these novel features of independent claim 1.

Regarding the rejection of independent claim 22, it is noted that claim 22 recites a

method of accessing an area on an optical storage medium where new user data is to be recorded, comprising: recording, in a recordable area of a lead-in area of the optical storage medium, data about a disk state, when a recording of user data is completed, wherein the data about the disk state includes at least one of an address of an area containing newly recorded optimum power control (OPC) data, an address of an area containing most recently recorded drive data, an address of an area containing most recently recorded user data, and data representing whether additional recording is possible after the recording of user data is completed, wherein, when new user data is to be recorded, an area on the optical storage medium where the new user data is to be recorded is accessed, using recorded data about the disk state.

As noted above, Kuroda discloses an optical disc, including a PCA, a lead-in area, a user data area and a lead-out area, wherein the user data area is divided into chapters, each chapter including a management area (MA) and a partition area (PA), and recording data in the MA.

Kuroda does not teach or suggest anything related to recording, in a recording area of a lead-in area of the optical storage medium, disk state data. The only location where Kuroda discloses recording information related to the storage medium is in the MA.

Accordingly, Applicants respectfully assert that Kuroda fails to teach or suggest, at least these novel features of independent claim 22.

Regarding the rejection of independent claim 30, it is noted that this claim recites some substantially similar features as claims 1 and 22. Thus, the rejection of this claim is also traversed for the reasons set forth above.

Regarding the rejection of dependent claim 2, Applicants respectfully assert that the rejection of dependent claim 2 under 35 U.S.C. §102(b) should be withdrawn at least because of its dependency from claim 1 and the reasons set forth above, and because the dependent claim includes additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claim 2 also distinguishes over the prior art.

Claims 8-11, 14, 22, and 23 are rejected under 35 U.S.C. §102(b) as being anticipated by Kondo (U.S. Patent No. 5,177,720).

Applicants respectfully traverse this rejection for at least the following reasons.

Regarding the rejection of independent claim 8, it is noted that claim 8 recites a method of recording data on an optical information storage medium in which a reproduction-only area

and a recordable area are included in an area other than a user data area, the method comprising: recording user data in the user data area; and recording disk state data in the recordable area included in the area other than the user data area, if a recording of user data is completed, wherein the disk state data includes at least one of an address of a predetermined area of an optimum power control (OPC) area, an address of a predetermined area of a drive data area, and data representing whether an additional recording is possible after the recording of user data is completed.

The Office Action recognizes that Kondo does not disclose disk state data including data representing whether an additional recording is possible after the recording of user data is completed. However, the Office Action states that the information recorded by Kondo includes the finishing time of all programs, which itself indicates whether additional recordings is possible and relies on column 7, lines 15-55 of the reference for such teachings.

Applicants respectfully traverse this rejection for at least the following reason.

Kondo discloses a position information memory section 50 which receives and stores position information necessary for generating TOC information. Kondo further discloses that this position information includes, e.g., the number of each program, start time of each program, the number of all programs and the absolute time of finishing all programs (column 7, lines 18-26).

In other words, Kondo simply discloses generating information regarding the time of all programs recorded on the optical disk.

Applicants respectfully note that the reasoning of the Examiner appears to be incomplete since no explanation is provided as to what relationship exists between providing information regarding the time duration of all programs recorded on the disk, and providing information regarding whether additional recording is possible. The failure to provide such an explanation, coupled with the fact that Kondo does not, in fact, disclose providing data representing whether an additional recording is possible after the recording of user data is completed, leaves one with the conclusion that Kondo does not disclose the features recited in independent claim 8.

Regarding the rejection of independent claim 22, it is noted that claim 22 recites some substantially similar features as claim 8. Thus, the rejection of this claim is also traversed for the reasons set forth above.

Regarding the rejection of dependent claims 9-11 and 14, Applicants respectfully assert that the rejection of dependent claims 9-11, and 14 under 35 U.S.C. §102(b) should be withdrawn at least because of their dependency from claim 8 and the reasons set forth above,

and because the dependent claims include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 9-11 and 14 also distinguish over the prior art.

Regarding the rejection of dependent claim 23, it is noted that claim 23 has been cancelled, without prejudice or disclaimer. Accordingly, the rejection of claim 23 is moot.

**REJECTIONS UNDER 35 U.S.C. §103:**

Claim 17 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kondo (U.S. Patent No. 5,177,720) in view of Fukushima et al. (U.S. Patent Application Publication No. 2001/0036136).

Applicants respectfully traverse this rejection for at least the following reason.

Initially it is noted that claim 17 depends from independent claim 8, and as noted above, Kondo fails to teach or suggest the novel features of the independent claim.

Fukushima on the other hand is relied upon for a teaching of features other than those recited in the independent claim. Accordingly, Applicants respectfully assert that Fukushima fails to cure the deficiencies of Kondo.

Therefore, Applicants respectfully assert that the rejection of dependent claim 17, under 35 U.S.C. §103(a) should be withdrawn at least because of its dependency from claim 8 and the reasons set forth above, and because the dependent claim includes additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claim 17 distinguishes over the prior art.

Claims 3, 4, 7, 15, and 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kuroda et al. (U.S. Patent No. 6,028,834) in view of Fukushima et al. (U.S. Patent Application Publication No. 2001/0036136).

Applicants respectfully traverse this rejection for at least the following reason.

Initially it is noted that claims 3, 4, 7 and 15 depend from independent claim 1, and as noted above, Kuroda fails to teach or suggest the novel features of the independent claim.

Fukushima on the other hand is relied upon for a teaching of features other than those recited in the independent claim. Accordingly, Applicants respectfully assert that Fukushima

fails to cure the deficiencies of Kuroda.

Therefore, Applicants respectfully assert that the rejection of dependent claims 3, 4, 7, and 15, under 35 U.S.C. §103(a) should be withdrawn at least because of their dependency from claim 1 and the reasons set forth above, and because the dependent claims include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 3, 4, 7, and 15 distinguish over the prior art.

Regarding the rejection of dependent claim 23, it is noted that claim 23 has been cancelled without prejudice or disclaimer. Accordingly, the rejection of claim 23 is moot.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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